

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

REC'D 19 APR 2005

PCT

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To:

see form PCT/ISA/220

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/B2005/050165

International filing date (day/month/year)
14.01.2005

Priority date (day/month/year)
16.01.2004

International Patent Classification (IPC) or both national classification and IPC
G11B33/14

Applicant
KONINKLIJKE PHILIPS ELECTRONICS, N.V.

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☒ Box No. VII Certain defects in the international application
- ☒ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



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Lehnberg, C

Telephone No. +49 89 2399-2590



**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/IB2005/050165

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - ☐ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material:
 - ☐ in written format
 - ☐ in computer readable form
 - c. time of filing/furnishing:
 - ☐ contained in the international application as filed.
 - ☐ filed together with the international application in computer readable form.
 - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/B2005/050165

Box No. V Reasoned statement under Rule 43b/s.1(a)(i) with regard to novelty, Inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	6-11,21
	No: Claims	1-5,12-20,22-26
Inventive step (IS)	Yes: Claims	6-11,21
	No: Claims	1-5,12-20,22-26
Industrial applicability (IA)	Yes: Claims	1-26
	No: Claims	

2. Citations and explanations

see separate sheet

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

see separate sheet

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING
AUTHORITY (SEPARATE SHEET)**

International application No.

PCT/IB2005/050165

Re Item V

**Reasoned statement with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement**

1). Reference is made to the following documents:

D1: US-A-5 335 217 (KANEDA ET AL) 2 August 1994 (1994-08-02)

D2: EP-A-0 465 153 (CANON KABUSHIKI KAISHA) 8 January 1992 (1992-01-08)

D3: US-A-5 532 996 (OKABE ET AL) 2 July 1996 (1996-07-02)

D4: US-A-5 255 256 (ENGLER ET AL) 19 October 1993 (1993-10-19)

2). As the word "joined" is rather vague and can be interpreted very broadly so that the optical pickup unit and the disc cartridge are assembled in some manner, the comparison of the subject matter of present claims 1 to 5, 12 to 20, and 22 to 26 with the disclosure of D1, D2, D3 or D4 (see relevant passages in the search report) reveals that a disc drive apparatus, a method for cooling, and a method for operating comprising all the features and steps defined in said claims are already known, so that present claims 1 to 5, 12 to 20, and 22 to 26 do not meet the novelty requirements of Article 33(2) PCT.

Even if the mentioned documents do not refer explicitly to DVDs, they are concerned with optical discs in general; therefore their teaching also applies to DVDs.

3). The subject matter of dependent claims 6 to 11 and 21 (especially the dust seal joining the OPU to the DVD cartridge) is not disclosed nor suggested by the available prior art, so that these claims satisfy the novelty and inventive step requirements of Articles 33(2)(3) PCT.

Re Item VII

Certain defects in the international application

**WRITTEN OPINION OF THE
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AUTHORITY (SEPARATE SHEET)**

International application No.

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- 1). New independent claims (one per category) should have been drafted in the two-part form, and clearly delimited in view of the nearest prior art (one of documents D1 to D4).
- 2). Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the documents D1 to D4 is not mentioned in the description, nor are these documents identified therein.

The description should have been adapted to the new claims to be filed.

Re Item VIII

Certain observations on the international application

- 1). Although claims 1 and 16 directed to a disc drive apparatus, and claims 20 and 23 directed to a method have been drafted as separate independent claims, they appear to relate effectively to the same subject-matter and to differ from each other only with regard to the definition of the subject-matter for which protection is sought ..and/or.. in respect of the terminology used for the features of that subject-matter. The aforementioned claims therefore lack conciseness and as such do not meet the requirements of Article 6 PCT.

In fact, even if the two independent claims 20 and 23 directed to methods are directed to a method for cooling and to a method for operating respectively, it is not really clear what the difference of their subject matter should be, because they define the same or similar steps.

- 2). In dependent claim 19, "said dust seal" is not defined before, so that it is not clear what is really meant thereby; in claim 16 on which it depends, it is referred to "a dist shield"; if the same feature is meant, the same terminology should have been used.

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